

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---------------------------|---|---------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 11 C 7568 |
| |) | (06 CR 359-3) |
| MELVIN DOKICH, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM ORDER

Melvin Dokich ("Dokich"), who is serving an 84-month sentence imposed by this Court following his plea of guilty to a multimillion dollar fraud, has just filed a 28 U.S.C. §2255 ("Section 2255") motion challenging various aspects of his conviction and sentence. Although his filing comes more than a year after our Court of Appeals' July 21, 2010 affirmance of his conviction and sentence, it is timely because Clay v. United States, 537 U.S. 522 (2003) holds that the additional 90-day period within which he could have sought certiorari is tacked onto the one-year limitation period.

This Court's preliminary review of Dokich's filing, as called for by Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts ("Section 2255 Rules"), suggests that some portions of his contentions may be problematic in facial terms. But rather than this Court taking a piecemeal approach to the matter, it seems to make better sense to order the United States Attorney to file an answer or other

response to the entire motion on or before November 30, 2011, as Section 2255 Rule 4(b) directs, after which the other relevant provision or provisions of the Section 2255 Rules will kick in.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

Milton I. Shadur
Senior United States District Judge

Date: October 25, 2011